

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

IN RE: _____)
)
XXXXXX XXXX XXXXXXXX,) CASE NO. XX-XXXXXX
)
Debtor .) Chapter 13
)

ORDER AVOIDING JUDICIAL LIEN OF _____

This matter comes before the Court on a motion to avoid a judicial lien pursuant to 11 U.S.C. § 522(f) and Federal Rules of Bankruptcy Procedure 4003(d) and 9014. Having considered the motion and other matters of record in this case, the Court finds and concludes:

1. All parties in interest have received due notice of the motion and no party has timely objected to the relief requested in the motion.
2. The Debtor exempted property described as _____, with a value of \$_____, as of the petition date.
3. In the absence of any liens on the property, the Debtor could claim an exemption in the property in the amount of \$_____ pursuant to (e.g., W. Va. Code § 38-10-4(a)), as of the petition date.
4. The abovementioned property is encumbered by the following liens:

Creditor	Type of lien (e.g., deed of trust, mortgage, statutory, judicial)	Balance owed as of the petition date

5. _____ holds a judicial lien against the property pursuant to a judgment dated _____, and recorded in Judgment Book ___, page ___, in the _____ County records, in the amount of \$_____, plus accrued interest and attorney's fees of \$_____ as of the petition date.

6. Because the total of all the liens against the property and the value of the exemption is \$_____, which exceeds the value of Debtor's interest in the property by \$_____, and because that sum is greater than or equal to the amount of the \$_____ judicial lien sought to be avoided, the judicial lien impairs an exemption pursuant to 11 U.S.C. § 522(f) and may be completely avoided pursuant to 11 U.S.C. § 522(f)(1).

OR

6. Because the total of all the liens and the value of the exemption is \$_____, which exceeds the value of Debtor's interest by \$_____, which is less than the amount of the judicial lien sought to be avoided, such lien by be avoided pursuant to 11 U.S.C. § 522(f)(1) to the extent of only \$_____, and the rest of such judicial lien remains in effect.

Therefore, it is

ORDERED that the judicial lien held by _____, and recorded in Judgment Book __, page __, in the _____ County records be and hereby is AVOIDED AND CANCELLED as to the property described as _____, and said judicial lien shall have no further force or effect as to said real property. It is

FURTHER ORDERED that this Order is to be of no force and effect outside of this Chapter 13 bankruptcy proceeding unless, and until, the Debtor obtains a discharge. A copy of the Order of Discharge is to accompany any recordation of this Order.

OR

ORDERED that the judicial lien held by _____, and recorded in Judgment Book __, page __, in the _____ County records be and hereby is AVOIDED AND CANCELLED to the extent that \$_____ of said judgment shall have no further force and effect against the property described as _____, with the balance thereof remaining as a lien against that property to the extent enforceable under state law. It is

FURTHER ORDERED that this Order is to be of no force and effect outside of this Chapter 13 bankruptcy proceeding unless, and until, the Debtor obtains a discharge. A copy of the Order of Discharge is to accompany any recordation of this Order.